

bus driver's permit has been revoked under this section shall not be issued a school bus driver's permit until certification of the completion of an approved school bus driver's course is received by the department.

Approved May 26, 1989

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## CHAPTER 223

### AIDS-RELATED PROCEDURES

*H.F. 641*

**AN ACT** relating to human immunodeficiency virus-related testing and counseling, and eliminating a penalty.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 141.6, subsection 3, Code 1989, is amended by adding the following new paragraph:

**NEW PARAGRAPH.** d. Devise a procedure, as a part of the partner notification program, to provide for the notification of an identifiable third party who is a sexual partner of or who shares intravenous equipment with a person who has tested positive for the human immunodeficiency virus, by the department or a physician, when all of the following situations exist:

(1) A physician for the infected person is of the good faith opinion that the nature of the continuing contact poses an imminent danger of human immunodeficiency virus infection transmission to the third party.

(2) When the physician believes in good faith that the infected person, despite strong encouragement, has not and will not warn the third party and will not participate in the voluntary partner notification program.

Notwithstanding subsection 4, the department or a physician may reveal the identity of a person who has tested positive for the human immunodeficiency virus infection pursuant to this subsection only to the extent necessary to protect a third party from the direct threat of transmission. Notification of a person pursuant to this paragraph is subject to the disclosure provisions of section 141.23, subsection 3. This subsection shall not be interpreted to create a duty to warn third parties of the danger of exposure to human immunodeficiency virus through contact with a person who tests positive for the human immunodeficiency virus infection.

Prior to notification of a third party, the physician proposing to cause the notification to be made shall make reasonable efforts to inform, in writing, the person who has tested positive for the human immunodeficiency virus infection. The written information shall state that due to the nature of the person's continuing contact with a third party, the physician is forced to take action to provide notification to the third party. The physician, when reasonably possible, shall provide the following information to the person who has tested positive for the human immunodeficiency virus infection:

(a) The nature of the disclosure and the reason for the disclosure.

(b) The anticipated date of disclosure.

(c) The name of the party or parties to whom disclosure is to be made.

The department shall adopt rules pursuant to chapter 17A to implement this paragraph. The rules shall provide a detailed procedure by which the department or a physician may directly notify an endangered third party.

Sec. 2. Section 141.10, subsection 1, Code 1989, is amended by adding the following new paragraph:

**NEW PARAGRAPH.** d. Release may be made of test results concerning a patient pursuant to procedures established under section 141.6, subsection 3, paragraph "d".

Sec. 3. Section 141.10, Code 1989, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** A physician or health care practitioner attending a person who tests positive for the human immunodeficiency virus infection has no duty to disclose to or to warn third parties of the dangers of exposure to human immunodeficiency virus infection through contact with that person and is immune from any liability, civil or criminal, for failure to disclose to or warn third parties of the condition of that person.

Sec. 4. Section 141.22, subsection 4, Code 1989, is amended to read as follows:

4. Prior to withdrawing blood for the purpose of performing an HIV-related test, the subject shall be given written notice of the provisions of this section and of section 141.6, subsection 3, paragraph "d".

Sec. 5. Section 141.22, Code 1989, is amended by adding the following new subsection:

**NEW SUBSECTION.** 7. When submitted the department shall review and approve pamphlets containing the information required to be provided to a subject or the subject's legal guardian pursuant to subsection 1. The department shall also prepare a model pamphlet containing this information. This subsection does not require submission of all pamphlets containing the required information to the department for approval.

Sec. 6. **NEW SECTION.** 141.23A EMERGENCY RESPONDER TESTING PROGRAM.

If a person in the course of responding to an emergency renders aid to an injured person and becomes exposed to bodily fluids of the injured person, that emergency responder shall be entitled to HIV testing in accordance with the latest available medical technology to determine if infection with the human immunodeficiency virus has occurred. The costs of the test shall be paid for through the expenditure of funds appropriated to the department for AIDS-related activities.

Sec. 7. Section 141.24, subsection 1, Code 1989, is amended by striking the subsection.

Approved May 26, 1989

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## CHAPTER 224

### RADON ABATEMENT

*S.F. 522*

**AN ACT** relating to radon testing and abatement, and making a penalty applicable.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 136B.1, Code 1989, is amended to read as follows:

**136B.1 RADON TESTING AND ABATEMENT PROGRAM.**

1. As used in this chapter, unless the context otherwise requires, "department" means the Iowa department of public health.

2. The department shall establish ~~a program~~ programs and adopt rules for the certification of persons who test for the presence of radon gas and radon progeny in buildings and for the credentialing of persons abating the level of radon in buildings.

3. Following the establishment of the certification ~~program~~ and credentialing programs by the department, a person who is not certified, as appropriate, shall not test for the presence of radon gas and radon progeny, and a person who is not credentialed, as required, shall not